

## BIRCH, STEWART, KOLASCH &amp; BIRCH, LLP

PLEASE NOTE:  
YOU MUST  
COMPLETE THE  
FOLLOWING:

SEP 19 2000

COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT AND DESIGN APPLICATIONS

ATTORNEY DOCKET NO.  
0459-0461P

Insert Title:

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Novel composition containing extracts of Butyrospermum parkii and the use of such a composition for preparing a medicament or a dietary supplement for the treatment or prevention of inflammation, hypersensitivity or pain

Fill in Appropriate  
Information -  
For Use Without  
Specification  
Attached:

the specification of which is attached hereto. If not attached hereto,

the specification was filed on July 10, 2000 as  
United States Application Number 09/613,468; and/or

the specification was filed on \_\_\_\_\_ as PCT  
International Application Number \_\_\_\_\_; and was  
amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Insert Priority  
Information:  
(if appropriate)

➔ Prior Foreign Application(s)

(Number)	(Country)	(Month/Day/Year Filed)	Priority Claimed
PA 1999 01003	Denmark	July 9, 1999	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PA 1999 01323	Denmark	September 16, 1999	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PA 2000 00434	Denmark	March 16, 2000	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

Insert Provisional  
Application(s):  
(if any)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

60/154,651	September 20, 1999
(Application Number)	(Filing Date)
60/190,919	March 21, 2000
(Application Number)	(Filing Date)

Insert Requested  
Information:  
(if appropriate)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More Than 12 Months (6 Months for Designs) Prior To The Filing Date of This Application:

Country	Application No.	Date of Filing (Month/Day/Year)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Insert Prior U.S.  
Application(s):  
(if any)

(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)

The undersigned agree(s) to execute all papers necessary in connection with this application and any continuing, divisional or reissue applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation, division or reissue thereof or Letter Patent(s) or reissue patent issued thereon and to cooperate with the Assignee in every way possible in obtaining and producing evidence and proceeding with such interference.

The undersigned agree(s) to execute all papers and documents and to perform any act which may be necessary in connection with claims or provisions of the International Convention for the Protection of Industrial Property or similar agreements.


The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States of America patent(s) or a grant of a valid United States of America and any foreign patent(s) to the Assignee and to vest all rights therein hereby conveyed to said Assignee as fully and entirely as the same would have been held by the undersigned if this Assignment and sale had not been made.

The undersigned hereby authorize(s) and request(s) the Patent and Trademark Office Officials in the United States of America and in any foreign countries to issue any and all Letters Patents resulting from said application or any continuing, divisional or reissue applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) the full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the law firm of Birch, Stewart, Kolasch & Birch, LLP the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office for recordation of this document.

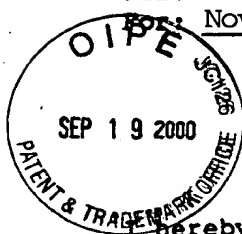
The undersigned hereby covenant(s) that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date	<u>0708-2000</u>	Name of Inventor	<u></u>	(signature)
Date	_____	Name of Inventor	_____	(signature)
Date	_____	Name of Inventor	_____	(signature)
Date	_____	Name of Inventor	_____	(signature)
Date	_____	Name of Inventor	_____	(signature)
Date	_____	Name of Inventor	_____	(signature)

Applicant or Patentee Astion Development ApSCase Docket No. 0459-0461P

Serial or Patent No. \_\_\_\_\_

Filed or Issued: July 10, 2000Title: Novel composition containing extracts of Butyrospermum parkii

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ( ) the owner of the small business concern identified below.  
 (x) an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF CONCERN Astion Development ApSADDRESS OF CONCERN Fruebjergvej 3, DK-2100 Copenhagen Ø, Denmark

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled Novel composition containing extracts of Butyrospermum parkii.... by inventor (s) Morten Sloth Weidner

described in

- ( ) the specification filed herewith  
 (x) application serial no. \_\_\_\_\_, filed July 10, 2000  
 ( ) patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the right held by the above identified small business concern is not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN ( ) NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN ( ) NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.  
 (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING JESPER KONGSTADTITLE OF PERSON OTHER THAN OWNER CEOADDRESS OF PERSON SIGNING 3 FRUEBJERGVEJ, DK-2100 COPENHAGEN Ø

DEPARTMENT \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE 07.08.2000